

REMARKS

1.Election/Restriction:

5 Restriction to one of the following inventions is required under 35 U.S.C.121:

I. Claims 20-28, drawn to a microdisplay pixel cell, classified in class 348, subclass 43.

10 II. Claims 1-9, drawn to a method of making a microdisplay pixel cell, classified in class 438, subclass 1+.

15 The inventions are distinct, each from the other because of the following reasons: Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP §806.05(f)). In the instant case chemical mechanical polishing could be used instead of photo-etching the gate conductive layer to form the at least one gate.

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 Because these inventions are distinct for the reasons given above and the search required for Group II is not required for Group I, restriction for examination purposes as indicated is proper.

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 Applicant is advised that the reply to this requirement to be complete must include an

election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

5 **Response:**

In response to the election/restriction requirement in the above-identified Office action, the Group I (claims 20-28) is elected as the subject matter to be examined in the present
10 application. Inventors of the elected invention are not changed. Consideration of the elected claims 20-28 is therefore politely requested.

2. Inventorship:

15 Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an
20 inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

25 **Response:**

Inventors of the elected invention are not changed.

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Sincerely yours,

Winston Hsu

Date: 10/31/2003

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